

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-18 are pending. Claims 1, 7, 13, 15, 17, and 18, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed, and specifically at paragraphs [0191-0197]. No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER NON-STATUTORY DOUBLE PATENTING**

Claims 1-2, 7-8, and 13-18 were rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-2, 4-5, and 13-18 of U.S. Patent No. 6,954,319 to Yanagita et al. (hereinafter, merely “Yanagita”) in view of an article authored by J.H. Wilkinson entitled “Linking essence and metadata in a system environment” (Sony BPE, UK IEE NBSS, July 6, 1999; hereinafter, merely “Wilkinson”) and further in view of U.S. Patent No. 5,835,939 to Kurokawa, et al (hereinafter, merely “Kurokawa”).

Claims 3-6 and 9-12 were rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-2, 4-5, and

13-18 of Yanagita in view of Wilkinson and further in view of Kurokawa and further in view of U.S. Published Application 2002/0035664 to Yates et al. (hereinafter, merely "Yates").

Applicants submit herewith a terminal disclaimer thereby obviating the double patenting rejection.

### **III. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yates in view of U.S. Patent No. 6,100,788 to Frary (hereinafter, merely "Frary") and further in view of Wilkinson and further in view of Kurokawa.

As understood by Applicants, Yates relates to a virtual tape storage device that can store an image of a virtual tape volume either as a stacked image or as a native image that is essentially indistinguishable from the image that would have been written had the host written the volume directly to the tape.

As understood by Applicants, Frary relates to a transponder device for tracking objects, such as tape cartridges, utilized in different types of environments includes a first antenna operating at a first range of frequencies and a second antenna operating at a second range of frequencies, different from the first range of frequencies. A reader/writer mechanism associated with each of the environments generates a first communication signal at the first range of frequencies and a second communication signal at the second range of frequencies. A control logic having a memory is coupled to the first and second antennas for processing the first and second communication signals and automatically generating a first or second response signal for receipt by the reader/writer mechanism via the first and second antennas, respectively.

As understood by Applicants, Wilkinson relates to linking essence and metadata in a system environment utilizing a Unique Material Identifier (UMID).

As understood by Applicants, Kurokawa relates to transferring data in an external storage subsystem.

Claim 1 recites, *inter alia*:

“... wherein data is prevented from being written over an existing record and data is prevented from being erroneously erased by collating end of source point information recorded in the contactless information storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point.” (Emphasis added)

Applicants respectfully submit that nothing has been found in Yates, Frary, Wilkinson, or Kurokawa that would teach or suggest the above-identified feature of claim 1. Specifically, Yates, Frary, Wilkinson, and Kurokawa, taken alone or in combination, fail to teach or suggest that data is prevented from being written over an existing record and data is prevented from being erroneously erased by collating end of source point information recorded in the contactless information storage means with end of source point information recorded on the replaceable recording medium thereby locating an end of source point, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Claims 7, 13, 15, and 17-18 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

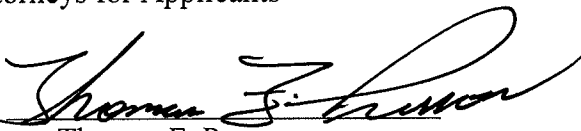
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

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